

REMARKS

Claims 6-15 will be pending after entry of this amendment. Claims 6-9 stand rejected. Claims 6 and 7 have been amended. Claims 1-5 have been canceled. Claims 10-15 have been added.

Support for the amendments to claims 6 and 7 can be found in the specification, for example, on page 4, lines 8-9; from page 6, line 33 to page 7, line 8; page 7, lines 18-23; page 8, lines 9-13; page 57, lines 5-25; in Table 1 and in the Sequence Listing.

Support for new claims 10-15 can be found in the specification, for example, on page 4, lines 8-9; from page 6, line 33 to page 7, line 8; page 7, lines 18-23; page 8, lines 9-13; page 57, lines 5-25; in Table 1 and in the Sequence Listing.

Therefore, no new matter has been added by the amendments to claims 6 and 7, and by the addition of claims 10-15.

Objection to the Specification

The specification has been objected to for not reflecting the current status of all priority documents. Therefore, applicants have amended the specification to update the chain of priority. Specifically, the specification has been amended to reflect that U.S. Application Serial No. 09/862,802 has issued as U.S. Patent No. 6,756,478. Therefore, no new matter has been added. Withdrawal of the objection to the specification is respectfully requested.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 6-9 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Specifically, the Examiner stated that claims 6-9 depend from nonelected claim 1 or 2. Accordingly, independent claim 6 has been amended so as not to depend from either

nonelected claim 1 or 2. Applicants submit that new claims 10-15 are also free from this rejection. Withdrawal of this rejection is respectfully requested.

The Examiner also stated that claims 6-9 are indefinite because they are directed to nonelected inventions, such as SEQ ID NOs: 2, 8 and 10. Accordingly, independent claim 6 has been amended so that it only refers to SEQ ID NO: 4. Applicants submit that new claims 10-15 are also free from this rejection. Withdrawal of this rejection is respectfully requested.

Finally, the examiner stated that claims 6-9 are unclear because the metes and bounds of the phrase "at least about 85% sequence identity" in claim 1 is unclear. Claim 1 was directed to SEQ ID NOs: 2 and 8. These are nonelected inventions. As stated above, independent claim 6 has been amended so as not to refer to nonelected inventions. Therefore, claim 6 no longer refers to the phrase "at least about 85% sequence identity". Applicants submit that new claims 10-15 are also free from this rejection. Withdrawal of this rejection is respectfully requested.

CONCLUSION

Applicants submit that the claims are definite. Accordingly, reconsideration of the rejections and allowance of the claims at an early date are earnestly solicited.

If the undersigned can be of assistance in addressing issues to advance the application to allowance, please contact the undersigned at the number set forth below.

Respectfully submitted,



Michael G. Biro
Reg. No. 46,556

Schering-Plough Corporation
Patent Department
Mail Stop K-6-1, 1990
2000 Galloping Hill Road
Kenilworth, NJ 07033-0530

Phone: (908) 298-5098
Fax: (908) 298-5388